

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

ALEX-WAYNE DUNCAN

PLAINTIFF

v.

CIVIL ACTION NO. 2:20-cv-80-TBM-MTP

**DETECTIVE GERALD ESSARY, JR.
and POLICE OFFICER ARCHIE BREWTON**

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the Report and Recommendation [24] entered by United States Magistrate Judge Michael T. Parker on April 23, 2021. After considering the parties' submissions, Judge Parker recommends the Defendant's Motion to Dismiss [23] pursuant to Rule 41(b) of the Federal Rules of Civil Procedure be granted and that this case be dismissed, without prejudice, for failure to prosecute and for failure to comply with the Court's February 10, 2021 Order [22]. The Plaintiff has not filed an objection to the Report and Recommendation, and the time for filing an objection has expired.

"When a party fails timely to file written objections to the magistrate judge's proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for plain error." *Casas v. Aduddell*, 404 F. App'x 879, 881 (5th Cir. 2010) (citing *Douglas v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc); 28 U.S.C. § 636(b)(1)). Having considered Judge Parker's Report and Recommendation, the Court finds that it is neither clearly erroneous nor contrary to law.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation [24] entered by United States Magistrate Judge Michael T. Parker on April 23, 2021 is ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED AND ADJUDGED that the Defendant's Motion to Dismiss [23] is GRANTED and that this case is DISMISSED without prejudice.

THIS, the 26th day of May, 2021.



TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE